THE LILY.

DEVOTED TO THE INTERESTS OF WOMAN.

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THE LILY.

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For The Lily.

THE WIDOW'S ORDEAL.

BY H. M. T. C.

The sun was declining from a burning sky, where all the long summer day its rays had seemed to scatter pestilence. Not a cloud had relieved its intensity—scarce a cool breath had even flattered across Lake Erie, which now lay like a burnished shield, as it reflected back the glittering rays.

The beautiful city which lay upon the eminence, embowered in green, had recoiled at the first announcement that the fearful scourge of the Ganges had reached our shores; but she comforted herself with the thought that her air was untainted—her population industrious and sober. Yet none of these things had availed, and the pestilence that walketh at noon-day was now slaying its victims daily and nightly.

How every heart quivered when roused to light by the beams of the morning, lest it should discover that some neighbor had fallen during the night time, by the merciless destroyer. And when at evening the father gathered with his family around the board, how fervent was the thansgiving that arose for a mercy hitherto almost uncounted.

"Tea is ready, dear father," said a rosy cheeked girl of seven summers, as she came bounding into the shoe-shop, and ran behind the counter to get his hat for the shoe merchant.

"And mamma wants you to hurry so that we can take a walk, just a little bit of a walk before it is quite dark. It has been so hot to-day that Anna and I haven't been out at all, and she says it will make us sick if we stay in all the time."

"Bless you, Hetty," said the fond father, "you would keep any body well with your bright smiles."

"How well you look, dear wife," said Henry Ellis, as he sat down to the tea table; "Thank God, we are all alive and well. How happy our friends in old Yermouth will be to think we have escaped the cholera. And Emma, love, my business is really getting to be quite profitable. I hope by the end of the season I shall be able to fully repay Mr: Kinsman the five hundred dollars he loaned me a year ago, besides having a good stock left. Yes, wife, we are getting on famously."

"But how kind it was of Mr. Kinsman," remarked the wife; "I am sure you would not have met the like from an own brother. We can never repay him as we ought for such kindness.

"It was very generous of him, as you say, wife, and that makes me wish the more to pay him promptly. He is delighted to see that I get the trade away from Bolon. He has an old grudge against him, and I have sometimes thought that was one reason why he was so ready to help me into a good bit of luck. But never mind, so we have the help."

The tea hour passed with its pleasant chat, and when the servant girl, a strong English peasant, who had come with them across the water, came in to remove the tea-tray, the children renewed their plea for a walk. Anna brought papa his hat and stick, and Hester ran for mamma's bonnet and in a few minutes they were strolling down by the lake side, admiring the white sails of the ships, and talking of the ocean that lay between them and dear old England.

As they returned, Henry Ellis remarked, "I have not felt so well for years. I seem as elastic as a child. It seems as though the blood coursed through my veins with new joy."

"It is this charming air, after a hot day," remarked his wife tenderly.

An hour from their return to their quiet home, the little girls lay dreaming in their neat cot, and father and mother were preparing to retire.

"You look pale, Henry," she remarked, as he came in, after having talked a moment with a neighbor over the gate.

"It is rather sad, Emma, to see so many dropping off without a moment's warning. Poor Bolen, whom I met not three hours before I came to tea, has just breathed his last. He was looking so healthy, and feeling so uncommonly well.—There is no security, love. We may be called at any moment, happy and well as we feel."

"Two hours more, and Emma was awakened by a groan, and springing up, she found Henry in violent cramps. He said he had been sick for more than an hour, but had hoped to feel better, and would not awaken her. The girl was aroused and a physician sent for, but when he came he only shook his head and said, "Too late, my good woman, too late."

The dawn of day looked in upon a house of mourning. The usual sunny face was withered and shrunken—the strong arm lay motionless and shriveled—the stout heart had ceased to palpitate, and all that remained of Henry Ellis, was a loathsome corpse.

"God be me merciful to us, and take us home with him," shrieked the agonized widow. Her children echoed her cry, but death, who came as an unwelcome guest, tarried not when he found his presence so desired.

"Better a thousand times to die with you, Henry," she wildly said, bending over him and kissing over and over again his almost patrid lips, as if to court contagion, "better to die a thousand deaths than to live on so utterly friendless. Why will not God take us at once?"

"You do wrong, my dear Mrs. Ellis," said a soothing voice; "I am your friend and your children's friend, as I was your husband's and their father's. While I live, you shall not want friendship and protection. Let me even now assist you in the sad rites of interring your dead. Cast every burden of care and anxiety upon me, and you will find me ready and willing to bear all and more for the sake of my friend and his family." So spoke Kinsman, blandly, and with ostentatious sympathy, and the widow remembering his promise to her husband, felt as though she had a friend on whom he could rely.

It may be that the latent good in his heart was for a moment roused, so that for a short time he acted in good faith both towards himself and others. He aided in interring the remains of his friend—he enquired for the temporal comforts of the widow and children, and for three months he played the part of a most devoted brother. During this time he learned that the widow was ignorant both of her husband's business and resources, and that she knew no honorable way of earning money for herself or her children. She could not even cut and make a child's dress without assistance, and the ordinary cooking for an American household, was a perfect mystery to one accustomed to purchase both necessaries and luxuries from the bakers.

Kinsman first insisted that she must dismiss her servant and try to get along without help, as he found the business affairs of her husband deeply involved. He, as principal creditor, had taken out letters of administration, and everything went on as he decided. The girl was discharged, and Mrs. Ellis undertook what she had ever regarded as the menial duties of the household. Small as her family was, it was no light matter for her to wash and iron, and cook and bake; and with blistered fingers and agonized heart, she informed Mr. Kinsman, on his customary evening visit, that she did not think it would be possible to get along decently. She bitterly regretted that she had never thought to learn, but her husband had always told her it was needless; now it seemed too late to succeed in doing any thing well. Kinsman listened with affected pity. He had, as he said, foreseen a life of trial for her, but had tried to shield her from it as long as possible. He had even refrained from telling her that there would be nothing left after the settlement of her husband's estate, and had, out of his own purse, supplied her and her family with whatever they needed. Now it was his painful duty to let her know the full extent of her misery. She would have to earn bread for herself and her children.

The poor woman was overwhelmed. What misery keener than the prospect of want when those we love are involved? She wrung her hands and wept, and called on heaven to aid her in her darkness.

She knew no means of self-sustenance. Not a single faculty had been developed beyond the poor limit of self-tolerance. To live cheerfully, amiably, when all the appliances appropriate to her sphere were generously provided, was the only talent liberally developed. She had been one of the most cheerful, happy wives, ever greeting her husband with smiles, and caresses, and lavishing upon her children the most tender devotion. Her sorrow had been commensurate with her love, but the weight of actual care which her loss involved, had never before been appreciated. Now it bewildered her weak reason, and completely overwhelmed her.

During the paroxysm of agony that followed the announcement, Kinsman sat with folded arms, and eyes bent upon the grate, as if vainly striving to find some method of escape. When at last she

turned to him for advice, he hesitated and seemed afraid to speak. Indeed, he assured her, to suggest labor to one like her, was too cruel, and the tenderness of his heart forbade it. He could not see her beauty marred by toil, nor her fine nature spoiled by drudgery. He might be presuming on her now, were he to utter his sentiments, but one day he hoped she would appreciate the little he had been able to do for them. He knew that he had already subjected himself to remark by calling so frequently and taking so much interest, and in future he would be more guarded. He must go now and devise some means that might be feasible for her suppart.

On her knees the widow thanked him for what he had done for her and her children, and bathed his hand with her tears of gratitude—tears which he begged her to restrain, and which he, with seeming reverence for their sacredness, kissed away from her pale cheeks.

Alas! for woman's gratitude to man! Who ever knew her to receive favors that she ought not to have required, without sinking her moral nature to the amount of those favars.

Poor Mrs. Ellis was from that moment the bond slave of Kinsman, soul and body. He had but to desire, and she yielded to his wishes. He stood between her and Providence. She had leaned on his arm instead of on her own strong energies and God's promised blessings to the widow and the fatherless.

She was not forgetful of God, and the reverence due to Him and to her own nature, but she was at the mercy of a strong will, and a hand that could give bread to her children, whom she loved better than her own life.

Years passed on, and her neighbors came to regard her as an outcast. They would not suffer their children to associate with hers, and they never darkened hea doors themselves, either for good or evil. Her life was dark and solitary, and she saw no gleam of light, save when Kinsman came with flattering words and passionate caresses.

Sometimes she begged of him to marry her and take away the reproach that overwhelmed her.—He always answered evasively, suggesting that there were reasons why the future would be desirable—such reasons as she could not well comprehend. It was enough that he carefully supplied all her wants. Many who passed by the poor Magdalen with a look of scorn, had far less love of purity in their hearts, but they had never been so sadly tried in the furnace of affliction.

One evening Kinsman called earlier than usual, and brought a present of jewelry to the eldest daughter who was now almost as large as her mother. Her premature womanhood had aroused the admiration of the unprincipled man, and he was calculating the cost of her charms. The mother marked his eye and tone as he addressed her, and a greater agony than she had before endured, shot through her heart. She, too, must become his victim.

That night she seemed endued with a new sense and new powers seemed born within her. Her weak will had become indomitable. Her desponding, helpless nature grew suddenly heroic.—He should not sacrifice her children, too, for bread. It was enough that she had sold herself to perdition for their sakes. Now she saw that the only escape was through successful labor in some humble department, and that she resolved to obtain.

Disguising herself in the widow's weeds which shame had forbidden her to wear. She applied at a slop shop and obtained some coarse shirts to make, and induced the shop keeper to let her take one already made as a sample, by depositing its value in his hands as a pledge of its return. She returned home with a lighter heart than she had known for years, for through this avenue she might work out her emancipation. Her daughters cheerfully engaged with their mother, and in a few weeks they had advanced so far in the good graces of their employer, that he gave them fine shirts to make, and commended their skill and speed. Fortunately, Hester was very ready to imitate any pattern that come in her way, and her needle was plied with uncommon skill as well as rapidity. These efforts were kept a profound secret from Kinsman, and a sum of money was laid by sufficient to take them to a small town in the interior of the State, before the mother suggested to her daughters her intention of leaving their present home.

Availing herself of the temporary absence of Kinsman from the city, she packed up all the household treasures she valued, and in the night embarked on a canal boat for her future home, leaving behind her, as she trusted, her sin and her shame, with her weak dependence. If for a moment her soul clung to his as a shelter from the wrath of Omnipotence, her almost child-like faith in God assured her that with repentance and effort came all the forgiveness that crime could know.

Needle women were scarce in the beautiful village of C——, and the pretty widow and her daughters were received by the ladies as a special Gop-send. A small house was readily obtained, and their little stock of furniture was arranged to the best advantage. Anna's skill in household matters promised to quite equal that of her sister's with the needle, and her tasteful arrangement gave a grace to the humble home most gratifying to the mother.

Work came in abundance and ready pay, and the poor woman lived a life of peace and joy, such as she had not known since the death of Henry Ellis.

"Now," she would whisper to herself, "Henry can look down from his heaven of joy, and see me striving to be worthy of him. How sad it must have made him if he saw how I was compelled to live because of my poverty and ignorance, but perhaps the angels spread their white wings between him and me, till my salvation came through prayer and effort,"

Her daughters speedily made friends among the families of their patrons, and nothing seemed wanting to complete their happiness. They were already accumulating beyond their expenses, and hope had unfurled her bright pinions, and visions of a home earned by their own industry, and means for the grntification of their taste, seemed already within their grasp.

One morning as the girls were hurrying home after a cheerful walk for the benefit of their health, they suddenly met a well known friend of Kinsman.

He followed them home, and assured Mrs. Ellis that unless she consented to return to Kinsman, her reputation in this place would be blasted, and all her efforts to sustain herself would be of no avail. Kinsman, he said, had been hunting for them ever since their escape, and had vowed that if they were in earth or hell, he would find them.

Mrs. Ellis had sent her daughters out of the room that they might not know the terrible errand on which he came. From them she had kept her soul-sacrifice a secret, and she could not bear that it should ever transpire in their presence. It was a fearful ordeal through which she was called to pass, but she was not now the bond slave of her wants shackled by ignorance and helplessness. She was strong and successful, and this made her courageous.

"Tell Kinsman," said she proudly, "that I am no longer constrained to eat the bread of dependance, and God, whom in all my darkness I did not cease to venerate, will shield me from all the evil he may plot against me. I am no longer a weak, helpless child, but a strong, courageous woman."

The messenger had received instructions how to act in case she refused to return, and he followed them literally. Before he left, every loafer at the hotel knew that Mrs. Ellis had been for years a "kept mistress," and it was insinuated that her daughters had been trained by their mother for the same life.

"As a black cloud filled with the treasures of the hail" floats across a summer sky, flinging its darkness over the bright landscape, and shedding down its terrible artillery, destroying tne promise of the summer harvest, so came this fiend across the widow's golden future. Who would employ a woman with such a terrible reputation? Who would suffer their daughters to associate with girls whose characters had been so blackened.—She knew full well that the threat was executed without delay, and when several days passed without work, and her daughters were utterly neglected by their young associates, her worst fears were confirmed. How was the evil to be repaired?—When alone at night, she flung herself upon her couch in an agony of prayer, and sought the sustaining care of God.

When she arose the next morning, she was calm and strong. Putting on her bonnet, she went to the house of one of the deacons of the church whom she knew to be a liberal man, and whose wife had been interested in moral reform efforts.—She had been taught by Kinsman to fear this class of persons most of all, as hypocrites, and bitter condemners of others, while none too good themselves; and it must be admitted that she had little hope of tenderness. She summoned the lady and begged an interview. She concealed no fact in her history, she palliated nothing, but confessed the simple truth—that want and ignorance of the means of acquiring a livelihood had driven her to a course of sin. "Now," said she, "that by great effort I have found the means of escape, will the Christian ladies of this place not only drive me, but my daughters, to evil, by their rigid virtue? Surely we will not contaminate the garments that we make, and God will deal mercifully with you, as you deal with me."

Fortunately she had gone to no formalist, no pseudo philanthropist, but a real living, loving disciple of Him who suffered the Magdalen to wash his feet with her tears, and wipe them with the hair of her head. She took the woman to her heart as her sister—spoke gently to her, not of her faults but of her sufferings—pointed out the fallacy of both the laws and customs that give woman no active partnership in her husband's pursuits so that in case of his demise, she can still carry forward his business and sustain her children, and then she brought out—a great roll of it—and begged that she would accept payment in advance if she stood in the least need.

Mrs. Ellis went home with thanksgiving in her heart, and Mrs. Gifford went out among her neighbors to tell them the story, and beg of them not to cast backward into the jaws of death a soul that was struggling for pure life.

Some answered coldly, but to these she said In her womanly purity and strength, "God alone knows whether you would not have fallen more hopelessly, if as sorely tempted. Let not the blood of souls be found upon your hearts, when Christ has set us so glorious an example as that of gentleness to the weeping Magdalen.

God's truth and Mrs. Gifford's efforts were triumphant, and Mrs. Ellis found herself shielded from the persecution of Kinsman, while employment was readily furnished their willing hands.

Some years since, when on a visit to the cheerful home of Mrs. Gifford, she gave me the history of Mrs. Ellis, with a comment upon the social customs and laws of the country, it might be well to heed. Said she, "had Mrs. Ellis been the legal business partner of her husband, he would have instructed her in all the important details of trade, so that she could have gone on with he shop after his demise, and thus have been spared the fearful temptation that overwhelms so many. God grant men may see that they cannot wrong us without destroying their own flesh and blood. We shall be inefficient as slaves while we are not permitted to own and dispose of the work of our own hands, but give us motives, and we will yet prove our title to a full humanity, so that poets may not sing of the oak and the vine as symbols of man and woman, but of two noble oaks lifting their heads in twin majesty to the skies. Amen, said my heart. God speed the right.

For the Lily.

Theology and Ethics.

THE SUPPOSED UNFITNESS OF THINGS, OR THE ORIGIN OF EVIL.—*By Mrs. Jane Frohock.*

The correspondence between cause and effect, has been justly styled the key with which we may unlock the mysteries of nature. This, in substance, is identical with the proposition assumed in our last No.

Every germ placed in a condition suited to its inherent principles of evolution, first develops an organism, or medium, according with its ger-

minal elements, through which, similar element- may become combined as ultimates. This cors respondence, although generally admitted to be a universal law of nature, is no less so than the law of infinite progression. The latter is supposed to be demonstrated by geological science, which is based upon (or rather proves) the assumption that all nature is undergoing refinement by the operation of its laws during development, and that all advance in the scale of being, depends upon the improved condition of the materials containing their necessary elements. It assumes, or rather demonstrates, that ages upon ages were required to form the successive incrustations, and the convulsions succeeding each, as marked upon our globe by its different strata; before its crude materials, were sufficiently refined and sublimated to evolve the elements necessary to the lowest vegetable organizations; and that each step in the ascending scale of earthly productions, was preceded by a corresponding refinement of earth-matter. These same principles have governed the kingdom of thought. There has ever been a correspondence between man's mental food and the products of his mind, the world over. And every mental incrustation, or prevailing opinion that has, from time to time been stereotyped by laws and customs, has as invariably been followed by a mental revolution; and their history as definitely marks the evolution of higher sentiments, consequent upon freer and more truthful elements of thought, as do the geological strata that of earth matter, by the refinement and freedom of its elements during those physical convulsions.

The Pythagorean idea of astronomy, that long neglected germ of a premature philosophy, was, of necessity, unvitalized for ages; for the mass of mind containing the elements necessary to its conception, must progress to a condition corresponding with the truths involved, before it could receive its bith-right among human thoughts.

The effect of universal attraction; or rather infinite relations, was witnessed for ages before the birth of Newton; but it involved principles belonging to a higher stratum of thought than mankind had then attained. Organic developments—suggestive miniatures of universal progression, have ever been pointing to this great truth; but not until recently has man been able to comprehend that if a *part* of nature was progressing from germination towards maturity, *all* must be, or there could be no adaptation. This idea, with its, inseparable sequences, (tho' its birthright is not yet legitimatized by public opinion,) is destined to mark an epoch in mentality, a hundred fold more striking than the geological stratum that specifically marks a condition in earth-mattter suited to the development of man's physical being. For no mental organism corresponding with those elevating principles, can ever again be satisfied with the mental food of former ages. There is an inspiration of soul, born with its comprehension, that scales every time-honored barrier—that leaves thought as unbound as the space it is wont to explore. The mind generalizing upon these broad premises, goes back up the limitless side—back, as it were, to the twilight of eternity's morn—to that undubitable era, when the first impregnative impulse moved the primeval germ in its vast vortex of non-vitality, and lit up that life, which since then, has breathed its own essence into universal matter;—that has individualized those countless suns, and the unnumbered worlds surrounding each, and filled them with vitality as fast as they became fitted to develop and sustain life. From hence, reasoning onward, it grasps the universe in its enthusiasm, and bears it on towards completion.

Although the mind here becomes awe-struck by the mighty thought, yet it has dared to seek a higher conception, and daring as may be the offspring, it is a legitimate out-birth of a higher mental development.

In carrying out these ideas, how are we to regard what has usually been termed evils, especially physical death, which from time immemorial has been considered the climax of earthly evils, and supposed to result from man's moral unfitness.

The record of earth's development, its fossils especially, transmit to us unquestionable proof, that during the formation of its successive strata, vegetables and animals lived and died just as they now do, centuries before the existence of our race. Again we find that the death of many vegetables and animals are caused by the revolution of the earth around the sun, during which, certain portions of the earth do not receive sufficient solar heat to prevent their dissol ıtion.

That all our moral evils arise from the non-vitality of the moral faculties, or moral death, there can be no question. But could the moral evils of mankind change the course of planets, or produce physical death, for untold ages prior to their own existence?

Is it not more in accordance with the omniscience everywhere displayed in the works of nature, to suppose that, in the arrangement and govcrnment of the universe, (every part of which is designed to harmonize with every other part thro'-out the great whole,) there is not, and cannot be an absolutely antagonistic principle? For antagonism is perfectly incompatible with infinite wisdom, power, and goodness, the harmonious combination of which gives us our highest conceptions of deity.

Mt. Carroll Ill., Oct. 1855.

[To be continued.]

The Duty of Temperance Men.

After three years of struggle, we have at length a Prohibitory Liquor Law in our State. It has been operative for nearly four months past—or would have been but for the conspiracy of Mayors, Judges, District Attorneys, &c., to embarrass its execution and nullify its provisions. This conspiracy has paralyzed it in this city and to some extent in other portions of the State, so that but a fraction of its natural good effects have yet been realized. Still, at least these benefits are obvious to the careful observer:

I. We are freed from the evil, the reproach and shame of the License system. Men still sell liquor as a beverage; but they do it in defiance of the statute—in defiance of the best exertions of the Legislature and the Governor. They do it knowing that their business is condemned by public sentiment, and that the best portion of the community most emphatically reprobate it. They do it knowing that justice is on their track, and with a shivering consciousness that it will surely overtake them. They do it saying that the Prohibitory Law is inoperative, unconstitutional and unsustained by public sentiment; but their acts give the lie to their wo ds. If the act is inoperative, why do they work so hard for its repeal? An unconstitutional act is dead—powerless—sill-born: you might as sensibly repeal last Winter. Their exertions to overthrow it prove it both constitutional and operative, even in their own estimation. And while they say it is unsustained by public sentiment, who ever heard them propose to submit the question of its continuance or overthrow to a direct popular vote?

II. Men who sell Liquor are now obliged to know well with whom they deal, and take care that they secure their pay. The law done collecting their debts or enforcing their contracts. And this circumstance of itself tends to drive men of substance out of the business and seriously cripple and restrict the wholesale Liquor Traffic.

III. The whole Traffic in Intoxicating Beverages, except in a few rum-ridden localities, is under bonds for good behavior. The taverns and "wet groceries," which were formerly scenes of daily riot and dens of profane ribaldry, now sell liquor, if at all, with great secrecy and circumspection. *It won't do* to have them surrounded day and night by all the "sons of Belial" in the township, as they formerly were with impunity.—The keeper puts his liquor down celler, behind a close partition, or in some sort of coal-hole, and tells his thirsty customers that they must drink and go quietly away, or he will have to stop selling. Thus time is saved, quarrels prevented, and the evil consequences of tippling greatly diminished.

IV. Drunkards obtain liquor far less freely and frequently than they formerly Did. Even the sellers admit that more should not be sold to a man who has 'had enough'—thus doubling on their track and repudiating their favorite idea of 'Moral Suasion.' Not even Judge Brown has ventured to pronounce invalid so much of the act as forbids and punishes sales of Liquors to drunkards. The consequences are peace, competence and comparative comfort in many families hitherto cursed, through drukenness, with phrenzy, destitution and despair.

V. Whole townships have been swept clean of the pestilent source of 'Intemperance, Pauperism and Crime;' whole counties are but slightly and stealthily cursed with it. Where barrels were formerly sold, quarts are now with difficulty smuggled into circulation. And only the attempts of Judges Brown, Dean, Morris and one or two others to nullify the law have prevented its complete and triumphant enforcement throughout seven-eighths of the State.

In view of these facts, we appeal to the Temperance men of New-York to awake to the issue now forced upon us, and do their utmost in the Election just at hand. They see what tremendous exertions are being made by the Liquor-dealers, and how they have dragooned the Hard and Soft parties into complete subserviency to their aims. Ought they not to be aroused by this spectacle to extraordinary exertions?

We have candidates for Judges of Appeals and Attorney General nominated by the State Temperance Convention and worthy of our support. We have *no* candidates for other State offices, and each Temperance voter will cast his ballot for these offices according to his political sympathies or personal predilections. We have candidates for District Judges, for Senators and Assemblymen. We entreat every Prohibitionist not to sleep after reading this article before he has ascertained which of the candidates for these offices in nomination in his District is right on Prohibition. Let no Prohibitionist cast his vote for an Appeal or District Judge, a Senator or Assemblyman, whom he does not know to be right on Prohibition; and let none wait till the day of Election to discover candidates worthy of his suffage.—Now is the time—short at best—for preparation; soon to be followed by the struggle and the triumph.—*Tribune.*

"I'll be with You to the Last!"

Is there a single worker for Temperance who proposes to abandon the Reform in this hour of need? Why should he do so? Is it not the same good cause as of old? Will you toil for a quarter of a century, and then toss the fruits to the winds? Now that you have got the statute book on your side, now that you have got your foot on the neck of the monster, now when one united charge upon the enemy would give Temperance the ascendancy forever—is this a time to ground your arms and desert your comrades and your flag? Nay, is this a time to desert the drunkard himself? Many men with their wives and their children, since the law took effect, have rejoiced over a partial escape—will you leave them as so much prey to be devoured by the traffic? "Oh!" said a pious but afflicted woman the other evening in one of the streets of Albany, to one of the officers of this Society, big hot tears rolling down her cheeks, and her voice choked with emotion. "God only knows what I have suffered at the hands of a drunken husband! I hope you will not waver or flinch in your efforts to enforce the Prohibitory Law." So spoke that sorrowing woman, and who does not know of many such cases, and even of drunkards themselves who would raise up both hands and shout from the top of their lungs for the prompt and most rigorous enforcement of the Law. Timid, halting, half-and-half Temperance men, can it be that you have studied Intemperance from life, and never heard the passionate exclamation, "Save us from ourselves!" "Deliver us from the body of this death!" And we count him no whole-hearted Maine Law worker, who does not exclaim to his struggling, despairing brother, as the hero of the Three Bells did lately to the perishing cast-aways at sea, "Keep up your cheer, I'll be with you to the last! In the Liquor Dealers' Conventions, at the polls, in the Legislature, among the municipal and ministerial officers, there may be treachery like that of the sea, and remorselessness like that of the flames. But hope on—hold on—struggle on—*"I'll be with you to the last!"*—[Prohibitionist.

THE LILY.

RICHMOND, IND., DECEMBER 1, 1855.

THE LILY!

A QUARTO JOURNAL,

DEVOTED TO TEMPERANCE AND THE INTERES OF WOMAN,

Published Semi-Monthly by

MARY B. BIRDSALL,

Editor and Proprietor.

Fifty cents a year, or seven copies for $3.

Our Prospectus.

The above is our brief prospectus for the next volume, and we earnestly invite all who desire the prosperity of the Lily, and the advancement of womans interest, to circulate it, procure us names and forward them to us as early as possible.

Can not every one of our present subscribers put this prospectus in their pocket and persevere until they get us four, seven or more names? If you, reader, love Temperance, Woman's Independence, or desire her enfranchisement, will you not do what you can to support the organs through which her claims are promulgated. By your sympathy and aid alone can these journals be supported. Their existence is in your hands. Will you give us a cheerful, a hearty response that you will sustain us?

The Eighth Volume of The Lily will be commenced on the first of January 1856. Are the friends to Woman's Elevation ready to give us the aid and support in 1856 that they did in 1855.

THANKS—To the numerous friends who have so liberally aided us the past year, we return our heartfelt thanks.

MRS. BLOOMER'S letter, intended for Lily Oct. 15, was not admitted to make room for another article. It did not reach us until after that paper was *in form.*

TO CORRESPONDENTS.

MRS. JANE CHASE.—We acknowledge the receipt of $10, and return our thanks for your persevering effort. If it was a pleasure to you to aid in disseminating the principles of Equal Rights, it is a great pleasure to us to feel that the Lily has many friends, and those to who will not forget those struggling to carry it on through adverse seasons.

MRS. L. T. HARPER—We do not know that Mrs. Hall has yet started her paper in San Francisco, but we are in the receipt of the San Francisco Journal, one of the editors of which, if we mistake not, is Mrs. Clark, who formerly had a very superior newspaper called the "*Contra Costa*," at Oakland California. The editorials are very able, and we doubt not but that you would be greatly interested in it.

Thanks for your kindness, we have already several friendly readers in California.

ROSETTA LENT's paper has been regularly forwarded to Liberty P. O., Steuben Co. N. Y.

ACKNOWLEDGEMENTS.

Francis Field; Beulah L. McIntyre; E. S. Tayler; M. Eaglesfield; Mary J. Watson; Harriet M. Blackstone; James H. Purdy; Caroline Morse; Isaac Price; Marietta Richmond; Celynda B. Grandy; Samuel A. Hall; Jane Chase; D. Washburn; B. F. Diggs; Jane Frohock; Emi B. Swank; Mary A. Armstrong; Wm. H. Whitcomb; C. E. Simmons.

Judge Perkins' Opinion.

A young man by the name of Herman was arrested upon the charge of having sold liquor illegally. He obtained a writ of habeas corpus, and the case was brought before Judge Perkins, of the Supreme Court. Herman's counsel moved for his discharge on the ground that the violated liquor law is unconstitutional and void.

It remained, therefore, for the Judge to pronounce his opinion of its unconstitutionality, and order the prisoner to be discharged.

The Judge regrets that the question had been presented before him. He had hoped that the cases would have been confined to the inferior Courts until the Supreme Court had decided upon the validity of the law. He makes quite a flourish about the solicitude with which he approaches the subject, which we could not appreciate until we came to the following remarkable paragraph:

"We have thus shown, from what we will take notice of historically, that the use of liquors as a beverage, and article of trade and commerce, is so universal that they cannot be pronounced a nuisance. The world does not so regard them, and *will not till the Bible is discarded*, and an overwhelming change in public sentiment, if not in man's nature, wrought. And who, as we have asked before, is to force the people to discontinue the use of beverages?"

And again he quotes from the Scriptures:

"Solomon, said to be the wisest man, had extensive vineyards, which he leased to tenants.—Song 8, verse 12; and David in his 10th Psalm, in speaking of the greatness, power and works of God, says, verses 14 and 15, 'He causeth grass to grow for the cattle, and herb for the service of man; and wine that maketh glad the heart of man, and *oil to make his face shine*, and bread which strengthened man's heart.'

It thus appears, if the inspired Psalmist is entitled to credit, that man was made to laugh as well as weep, and that these stimulating beverages *were created by the Almighty expressly to promote his social hilarity and enjoyment.* And for this purpose have the world ever used them.—They have ever given, in the language of another passage of Scripture, "strong drink to him that is weary, and wine to those of heavy heart."

The italicizing is our own; the one in the last paragraph is too strong for comment.

The learned Judge first proceeds to inquire in regard to the liquor act, "Is it prohibitory?" which he seems to doubt because of the provisions of Sec. 2.

"SEC. 2. No provision of this act shall be construed to forbid the making of cider from apples, or wine from grapes, currants or other fruit grown and gathered in this State by the manufacturer or the sale thereof by him; but such manufacturer or other person on his behalf, shall not sell less than three gallons at any one sale, or to any one person; and all sold at any one sale shall be taken away at the same time. Any other manufacture or sale of cider shall be deemed to be unlawful, except as herein provided."

And seeing further, he says that

"Other sections permit the manufacture of whisky, ale, &c., by persons licensed for the purpose, so far as may be necessary to supply whatever demand certain persons, called county agents, may make upon them. These agents are authorized to sell for medicinal, chemical, mechanical and sacramental uses, and no other."

Our vision can find no sense in the learned lingo that surrounds the attempt to show that from these provisions the law under consideration does not prohibit the use of alcoholic liquors as beverages.

In the opinion of the Judge the State Government has stepped into small business in monopolizing the manufacture of whisky, &c. But did it never occur to him how under the old license system the government received a revenue for licensing pauperism and crime, disease and death among the people, virtually selling their peace and morality and security?

He sprinkles his "opinion" over quite freely with talk of the "dignity of human nature"—competency of the people for self-government, "robbing man of his free agency," &c.; but of the drunkard's *dignity* or *free agency*, or *power* of *self-government*, the less that is said the better, and that government is not to be envied of its morality that does not see in the following facts from Judge P.'s opinion, reason sufficient that the people need effective protection from the manufacture and traffic in an article that produces alone misery, ruin and wretchedness—that blights all forms of moral light and beauty, and in its withering, maddening agency changes the brightest and the best, to monsters debased and degraded.

"At the adoption of our present constitution, there were in the State fifty distilleries and breweries, in which half a million of dollars was invested, five hundred men were employed, which furnished a market annually, for two million bushels of grain, and turned out manufactured products to the value of a million of dollars, which were consumed by our people, to a great extent, as a beverage."

What, at a fair calculation, would be the amount of sin and misery produced by these fifty loathsome dens of iniquity? Is it past calculation?—And what has been the cost to the State from the crime that has followed the footsteps of this seathing pest.

The Judge seems severely impressed with his importance as a member of the State Judiciary, whose duty it is to step between the people and their representatives, and protect the former from the encroachments of legislative action. He will do well to remember how all-absorbing was the question of prohibition among the people; how they have petitioned, and how they have questioned their legislative candidates—and how, finally, members were elected with tried integrity and pledged fidelity to the temperance cause, by overwhelming majorities, under the express expectation of the passage of an effective prohibitory law.

This liquor law was expressly ordered by "the people." They have worked and labored for it; they have demanded it in the firm conviction that they have a right to protect themselves. Lawyers may pompously give "opinions" against their power so to do, but the mass of our citizens are quite clear as to its necessity, equity and constitutionality.

Eminent jurists in several States and in the United States Courts, have given to similar prohibitory laws their legal sanction, and the influence of their unimpeachable character and commanding position; so it will take more able opinions, less contradictory and less bordering on a caricature, to alarm the temperance phalanx as to the final carrying out of our prohibitory law.

Judge P. could not fail to see the joy that reigned at the passage of this act. and he cannot now fail to see the sorrow and indignation that will flow from its nullification.

We will hope for a speedy reversal of this opinion by the Supreme Court of our State.

Admitting a Lady Reporter.

We learn from the Tribune's Kanzas correspondent, that quite a scene occurred in the hall of the Constitutional Convention in session at Topeka, on a resolution to admit a lady,—a Mrs. Chapman—who wished to attend the Convention, and re-

port for a prospective paper to be called the Kansas Intelligencer; her husband the editor. Quite an effort was made to vote her out, under the desire to keep the Convention free from any thing of "a novel character, or that might prejudice the interests of the territory even with ungenerous minds," She was only admitted by the President's casting vote, which was evidently given from a spirit of gallantry. Not even the knowledge that in a new Territory, women have often to help their husbands in very severe manual labors, prevented those voting against her admission, or from manifesting great dissatisfaction at her admittance.

It is a crying shame that women have such things to contend with. In the discharge of her duty she should never be obliged to halt because men tremble for a false feminicy. Let man take care of his *manliness*, and in faith woman will keep the name of woman fair to the end of time.

It does not appear that it was the personal feelings of the members of the Convention that would have denied Mrs. Chapman a reporter's seat, but they were afraid of any *novel* proceedings that would create prejudice against them. Is it indeed a *novel* thing for a woman to aid and co-operate with her husband? Every one's experience will deny this, and how very reprehensible is that custom of society, that places barriers in her path when pursuing the same object, in the lighter and more pleasant departments of occupation. Man has no right to proscribe woman's employments or to restrict her usefulness. The fire of her intellect and the force of her love shone as beacon lights from time immemorial, and our prophecy for the future is, that they are destined, in the coming years, to wield an unthought-of influence in society and its various organizations. Some of us will live to see.

What Would the Women Say?—I suppose, if the women of our land could decide to-morrow, whether we should have the Maine law or not, ninety-nine out of every hundred would earnestly respond, "Give us the Maine Law! In the name of mercy—for the sake of our dear children, our husbands, our brothers, fathers, sons; for the sake of domestic happiness, morality, health, religion, education; for the sake of ourselves, we pray you in God's name, "Give us the Maine Law!"—*Prohibitionist.*

And yet men who thus acknowledge that the mass of women of our land would decide in favor of good laws, and give their influence on the side of justice, morality and rigbt, will tell us that women are incapable of deciding great public questions, and that it is not for them to take part in governmental affairs. Those who would give to the country good laws, and legislate for the true interests of the people, would be out of their sphere in doing so, because they are women, but it is proper and right that men, however low, depraved and drunken—however illiterate and illiberal—should make the laws for a great and enlightened people, because they are men! No matter how unjust and oppressive laws may be, it is all right, because men make them. No matter with how much justice and wisdom women might legislate, it would be all wrong, if done by woman.

How strange that the All-wise Creator made such a mistake as to give to that party which is forbidden to exercise them, powers of governing superior to those conferred upon that party to whom all power of governing is committed. How strange to qualify women for action, then bid her be silent! How strange, to give her a keener sense of right and wrong, and then make her subject to a gross and cruel master! How strange to commit to her superior talents, then bid her hide them in a napkin!

When will men learn that the female element is just as necessary as the male in all legislation, and that we cannot have a perfect rule till the two are mingled in the affairs of government?

We cut the above paragraph from the Prohibitionist, a paper published by the Executive Committee of the New York State Temperance Society. Three years ago members of that committee publicly denounced in unmeasured terms the Women's State Temperance Society, and heaped personal abuse upon some of its officers. E. C. Delevan, the President of the State Society, refused to become a member of the Women's Society, or to recognize them as co-labors in the temperance cause, because he did not approve of, and would not give countenance to public action on the part of women!

Such men may talk as suits their purpose, but what do they care what the women would say, or what they would do, if they could decide on the Maine Law? They will take good care, so far as they have power, that woman has no opportunity to either say or do anything on the subject that would amount to anything. However capable they may think her to be, there is a certain sphere in which they believe she should be confined, and that none but a sort of "hybrid species" will attempt to pass beyond it.

Possibly the Executive Commitee have progressed a little in their views within three years; or what is more probable some more liberal and less bigoted spirit has got in among them, to whom we may give credit for the appearance in the Prohibitionist, of the above correct and liberal sentiment in regard to woman. Would that such paragraphs could oftener find place in the columns of that and other papers—it might in time lead to the question, "And *why may not* the women of our land decide, or have a voice in deciding whether we should or should not have a Maine Law?—whether we should or should not have good and just laws placed upon our statute books, in place of the unjust and oppressive ones which now stand there, a disgrace to an enlightened country? A. B.

What Woman can do.—We learn that Miss Pellett, now in California, traveled on horse and mule back in the mountains five hundred and fifty miles, and held twenty-two temperance meetings in *eighteen days.—Exchange.*

Those of our readers who have known or heard of Sarah Pellett, will be glad to learn her whereabouts, and to know that she is still laboring in the cause of suffering humanity. It is now little more than a year since she left New York for California, on her mission of love, and we have, since her arrival there, frequently heard of the success which has attended her efforts. She is proving to the world not only that a pure minded woman may travel and labor among men without meeting with rudeness and disrespect, but also that woman possesses powers of endurance beyond what is usually attributed to her. To ride on horseback over mountains, five hundred and fifty miles in eighteen days, besides lecturing once, and sometime twice a day, must require great strength and nerve and energy, and the sustaining consciousness of duty to be discharged and good to be accomplished. Few men would like to undertake such a mission.

And yet Miss Pellett is by no means a masculine woman—but on the contrary, she is gentle and mild and lady-like in her deportment, with a low, sweet voice and winning looks. She is a graduate of Oberlin College, and for some time previous to going to California, was engaged in lecturing and book selling. Persons who traveled over the New York Central Railroad, two or three years ago, will remember seeing her pass through the cars, offering her books for sale. She traveled up and down the road between Syracuse and Utica, passing from car to car with her armfull of books, with which she endeavored to supplant the light and trashy works of fiction usually offered for sale on the cars. She was occasionally present and took part in the Women's Conventions—both Temperance and Woman's Rights.—She has now chosen another field of action—one where such laborers as she are greatly needed. May her ministrations be abundantly blessed to the people among whom she is sojourning, and may she be rewarded not only with an approving conscience, but also with a goodly share of California's golden treasure. A. B.

"I have Always put the Best Side out."

These words were all we heard, but as we caught sight of the woe-begone face of her who uttered them in broken sobs, we instinctively guessed the rest. We knew not who she was—know nothing of her history, but when we see a pale and haggard woman, with tears streaming down her cheeks, and words of anguish bursting from heart and lips, imagination can easily write the history and fill up the picture.

"I have always put the best side out!"—I have always tried to do the best I could—to keep up appearances—to shield my erring husband from reproach and shame—to hide my own heart sorrow, and make all pleasant for him. I have left home and friends—father and mother, brothers and sisters, and all for him. I have endured privations and suffering—have lived in a hovel, and submitted to indignities and insults—have borne abuse and hardships, but *"I have always put the best side out."*

We know not what had occurred to lead her to confide her tale of wrong to the sympathising friend, but her sorrowful, tearful face, and her words. and the tone of anguish in which they were uttered, haunt us still, after a lapse of several days. Our heart whispers that *rum* and *woman's slavery* were the cause of all. Rum had excited the master to deeds of violence, and woman, his slave, was the subject on which to vent his drunken anger and abuse. Alas! how many of our sisters endure all the tortures of slavery, and yet put the best side out!" How many wear galling chains, and yet make the world believe they are ilken? How many have reason to pray for the hastening of that day when woman shall be raised from her present inferior and slavish position, and be permitted to stand side by side with man, his honored companion and equal! None but Him who readeth the secrets of the heart knoweth the depths of Woman's suffering, and He will in his own good time work out her redemption. Intellect and moral power will yet take the place of brute force, and woman's wisdom and counsel will be listened to and respected, not only in the home circle, but in the affairs of the Nation. Those who have eyes to see cannot doubt the approach of such a day. Gradually, but surely, it is opening upon us, and though to our vision it may seem distant, yet those who follow us will experience its blessed influences. A. B.

"Anonymous" must excuse us from writing on the subject she proposes. As we have never been either a step-mother or a step-child, we do not feel capable of giving an impartial decision. Those interested could do the subject more justice.—There is undoubtedly two sides to the question, and we should be like some politicians—on both sides. A. B.

EDITORIAL CORRESPONDENCE.

Council Bluffs, Nov. 6.

I was a little surprised on opening The Lily for October 15, which has just come to hand, not to see my letter designed for that number; but on looking further, I find a report of the National Convention, and conclude my letter was withheld to make room for that—so it is all right.

I notice, with pleasure, the names of some new actors in the Convention, but am somewhat disappointed that more of our Ohio and Indiana women did not report themselves. The Conventions have been so long managed and controlled by the same persons, that people are apt to suppose the movement is confined to them—that they alone are discontented and dissatisfied with the present state of things—whereas, the contrary is the fact, to a great extent, throughout the whole country.

While I am glad to recognize the names of the pioneers in the movement, at every convention, and to hear anew the words of truth, which they so eloquently utter, yet I do wish fresh hands could be induced to take upon themselves a part of the labor, and let the old actors stand a little in the background. There are enough in every State whose hearts are in the cause, and who have the capacity to help it forward, if they would only get up a little resolution, and boldly proclaim in public the sentiments they are free to utter in private. The cause would be greatly benefitted by the coming forward of a larger number of public advocates at the Conventions, and by the addition of new names in the different localities where they are held.

Some little interest was awakened here a week or two, by the announcement through the papers that the question of woman's right of suffrage was to be discussed by members of the Literary Association. A full house was drawn out to listen to the debate. I am sorry to say that the affirmative showed themselves to be unacquainted with the subject, and the real merits of the question were not brought forward. The question of *right* was lost sight of, and that of *expediency* substituted. The negative presented the usual objections—home duties, education of children, domestic broils, if the wife did not vote just as the husband wanted her to, or vice versa, the fear of woman becoming contaminated, unsexed, mannish, &c. One moment woman was called an angel, and the next we were told that it was degrading to a man to be influenced by this angel. One speaker did not think it expedient to *allow* woman this right—another dwelt upon the unbounded influence of a mother over her children, and her duty to them, and she could not be allowed a voice in the government without neglecting these duties—and any quantity of similar stuff.

After the regular disputants, (who were all men,) had finished, I rose and replied to some of the objections brought forward by the negative, but as only ten minutes were allowed to each speaker, I did not attempt to present any argument on the question. Three judges (all men, of course,) were appointed to decide the case—two of whom reported in favor of the negative, and the other in the affirmative. An appeal was made from this decision to the house, when the decision was reversed. This ended the matter for the present, but I shall at some future day bring it before the people again, in the form of a lecture—the Association having extended me an invitation to lecture before it.

The immigration into Western Iowa, this fall, is quite large. Covered wagons, drawn by two and three yoke of oxen, and some by horses, are daily passing through our streets, loaded with people and household furniture, on their way to the new farms they have selected in the counties north of us. Many are settling in this place, and we have more new comers than there are houses to accommodate them. The city is filled with strangers, both visitors or settlers, and the public lands are going off by the thousands of acres daily. Indiana and Ohio are largely represented by visitors of late, and I occasionally meet men who are readers of the Lily, and who design bringing their families into this section.

With the exception of a few days, we have had fine weather all the fall. Only twice has it been cold enough for frosts. The sun smiles upon the hills and prairies as bright and clear as in summer; but the latter do not send back as cheerful a smile as is their wont, for the frost-king first robbed them of their beauty, and the fire-king has completed the work in many places by converting their green and yellow carpets of grass into unsightly, blackened stubble.

This is election day in Nebraska, and as is usual on such occasions, excitement runs high. There are, I believe, some half-dozen candidates in the field, but the contest lies principally between B. B. Chapman, Nebraska Democrat, of Ohio, and H. P. Bennett, Anti-Nebraska Whig, of Nebrasbra. The former resides temporarily at Omaha, the latter is a resident of Nebraska City. Bennett's chance is thought to be the best on the whole, but nothing can be known with certainty till the polls are closed, and the votes counted.—A great effort is being made on both sides. Chapman has the whole influence of the officers of the territory on his side.

There is a good deal of rivalry between Omaha and Nebraska City. The former is located north of the Platte, and the latter south of it. Nebraska City is said to have got the start in the number of inhabitants, and it possesses advantages in the way of water-power, lumber, minerals, &c., over its rival.

On the other hand, Omaha is the capital of the Territory, and its proximity to this place, which will the first point reached by railroad from the East, gives it an importance in the minds of many, greater than that of the other. Both are beautifully located on the Missouri river.

There is a lodge of Good Templars at Nebraska City, and the company have reserved lots for the building of Halls by the various organizations—Sons of Temperance, Good Templars, Odd Fellows, &c. I am somewhat interested in both of these places—am a shareholder in the Nebraska City Company, and so I am anxious to see both prosper. I want every body to come to Council Bluffs, but if they prefer Nebraska, I hope they will settle in one or the other of these the largest cities in that territory.

I notice that the papers East report an unusual amount of sickness through all the Western country. However this may be in other sections, it is not true of this city, or the region hereabouts.—There is almost no sickness at all here, nor in places in this vicinity, whether in this State or Nebraska. I have the word of physicians for this, as well as my own observation and the testimony of others. There is an occasional case of fever, and now and then hear of some one having the ague, but both are rare, and no fatal cases have occurred. Our turn may come yet, but the present season here has surely proved groundless the fear that Eastern people have of West on account of sickness. A. B.

☞ The following report on temperance was passed unanimously at the late session of the Oneida Conference of the M. E. Church—the number of ministers present being about one hundred and twenty-five:

Whereas, The passage of a prohibitory liquor law, by the late Legislature of the State, an event most important and auspicious to the interests of humanity, and whereas, the value of all prohibitory legislation depends upon the vigilance and activity of those whose duty it is to secure a universal observance of it, therefore,

Resolved, That the members of the Oneida Annual Conference, pledge themselves both in their capacity as ministers and citizens, to encourage and enforce obedience to, and to aid in all suitable ways in the execution of said law.

Resolved, That previous to the fall elections, more especially, we will labor, by all suitable means, to procure the election of such men to our State Legislature as will oppose all attempts to repeal or so modify the provisions of the prohibitory liquor law as to enervate its operation in securing the proposed end—and also for the election of such executive and judicial officers, as will act faithfully and efficiently in carrying out the designs of the law.

Resolved, That we regard the effects of the law already manifest as highly encouraging to its friends.

Resolved, That while the law under consideration excepts from its prohibitions the use of alcoholic liquor for sacramental purposes, we are forcibly impressed with the absurdity and wrong of using alcoholic wines for such purpose, and we will religiously avoid such use, either by procuring the pure juice of the grape, or by extracting the element from the dried grapes of commerce.

PETITION

TO THE LEGISLATURE IN RHODE ISLAND.

We, the undersigned, residents of the State of Rhode Island and Prodence Plantations, feeling aggrieved by the vibuses and usurpations of your legislation, which degrades one half of the residents of your State to the position of infants and idiots, defrauding them of the sacred right to self-government, and of all rights and functions as citizens, by withholding from them the elective franchise,—do hereby earnestly pray your honorable body to take such steps as are needful for the recognition of the existence of women as a citizen of these United States.

LEGAL RIGHTS AND DISABILITIES

OF MARRIED WOMEN IN RHODE ISLAND.

"An act to secure the fulfilment of certain contracts, and for the relief of married women in certain cases."—Vol. 1, page 255.

Section 1.—When any married woman shall reside in, or shall have come from any other state or country into this state, without her husband, he never having lived with her in this state, and she shall continue or shall have continued to reside in this state, without her said husband for the space of two years continuously, she may afterwards, during her separate residence therein, transact business,

make contracts, prosecute and defend suits in her own name, and dispose of such of her property as she may acquire by her own industry or otherwise; and may have the exclusive care, custody and guardianship of her minor children, if any living with her, in like manner and in all respects as if she were unmarried; and she shall be liable to be used as if she were unmarried, upon all contracts, and for all other acts made or done by her after the expiration of said term of two years; and she may make and execute any deeds and other instruments in her own name, and do all other lawful acts that may be necessary or proper to carry into effect the power so granted to her.

SECTION 2.—If the husband of any such woman shall afterwards come into this state and claim his marital rights, his arrival here shall have the same effect in regard to any suit then pending in which she is a party, except to abate the same, and to any contract or business transacted by her under the power granted in the foregoing section, as if they had been first married at the time of his arrival here, and shall have no other effect.

SECTION 3.—If during her separate residence such married women shall have obtained a decree of divorce against her said husband, under the laws of this state, or if her said husband previous to his coming into this state shall have caused the marriage contract to be dissolved by an act or decree of divorce obtained against her in any state or country, in any suit or proceeding to which she is not a voluntary party nor present thereat, so as to have like opportunity of defence as she would have if such suit were brought against her in this state, she shall not thereafter be liable, in this state provided that she shall have resided therein for the space of six months, to be deprived by her late husband of her separate earnings therein, nor of any property not derived from him which she may lawfully have acquired or possess, nor of the custody of any infant child; unless, upon petition of her said late husband to the Supreme Court, in the county where she resides, served upon her by copy, thirty days at least before the sitting of the court, and setting forth substantially the whole subject matter of complaint against her, it shall be made to appear by evidence that she is not a person of good moral character, suitable to have charge of her children, or unless the court thereupon in its discretion, having due regard to the well-being of the infant, order its custody to be changed.

SECTION4.—The Supreme Court, upon any application of such women, either before or after said divorce, on her giving satisfactory evidence of her having resided two years in this state, next before said application, separate from her husband, and without being supported by him, may appoint a guardian of the person and estate of said child, in the same manner that courts of probate are now authorized to appoint guardians of minors.

Act regulating convey ances of real estate."
Page 257.

SECTION 9. Nothing in this act shall be construed to bar any window of any grant or of any lands, tenements or other real estate of her dower therein; but a married woman may bar her right of dower in any estate conveyed by her husband, by joining with him in the deed conveying the same, and therein releasing her claim to dower, or by releasing the same by subsequent deed, jointly with her husband, or by joining in a deed given by a guardian of her husband: she may also bar, her right of dower in any estate in which the interest of her husband has been formally conveyed by a deed thereof, executed by her, in the presence of two witnesses, and acknowledged by her, after a separate examination and an explanation of the deed to her, in the same manner as is required by law for a conveyance of real estate owned by her in her own right.

SECTION 10. Where the husband and wife, being of lawful age, are seized of any lands, tenements or other real estate in the right of the wife, they shall be authorized to convey the same by deed or other instrument in writing, signed, sealed and delivered by them respectively; but in every such case, the wife acknowledging such deed or instrument shall be examined privily and apart from her husband; and shall declare to the officer taking such acknowledgment, that the deed or instrument shown and explained to her by such magistrate is her voluntary act, and that she doth not wish to retreat the same: and if the wife on such privy examination shall refuse to make such agknowledgment, the deed or other instrument executed by the husband and the wife as aforesaid, shall not operate to convey to the grantee named in such deed or instrument, and other or greater estate in the premises described in such deed than what belongs to the husband; and if such deed be executed by attorney of the wife, or any deed affecting her right of dower in any estate of her husband during his life, the letter of attorney shall be executed and acknowledged with like formalities as are required in the execution and aknowledgment of a deed by a husband and wife of an estate held in the right of the wife.

"Intestate estates and the settlement thereof."
Page 238.

SECTION 3. Whenever the personal estate of any deceased person shall be insufficient to pay the debts and funeral charges of the deceased, the widow shall nevertheless be entitled to her apparel, and such bedding and other household goods as the court of probate shall determine necessary, according to her situation and the circumstances of the estate; and such part of the personal estate as the court of probate may allow the widow, shall not be assets in the hands of the executor or administrator.

SECTION 18. When a man and his wife shall be seized of any real estate in her right, in fee, and issue shall be born alive of the body of such wife, that may inherit the same, and such wife shall die, the husband shall have and hold such estate during his natural life as tenant by the courtesy.

SECTION 24. The husband shall, except as provided in the act entitled "an act concerning the property of married women," be entitled to the administration of his wife's personal estate; and shall not be compelled to distribute the same amongst her rest of kin, but shall have and retain the surplus thereof, after payment of her debts, for his owu use: anything in this act to the contrary notwithstanding.

"Act concerning the property of married women." Page 270.

SECTION 1. The real estate, chattels real, household furniture, plate, jewels, stock or shares in the capital stock of any incorporated company of this state, or debts secured by mortgage on property within this state, which are the property of any woman before marriag, or which may become the property of any woman after marriage. shall be, and are hereby so far secured to her sole and separate use, that the same, and the rents, profits and income thereof, shall not be liable to be attached, or in any way taken for the debts of the husband, either before or after his death; and upon the death of the husband in the life-time of the wife, shall be and remain her sole and separate property. In case of the sale of any such property, the proceeds of such sale, or any part of the same, may be invested in the name of the wife in any of the kinds of the property aforesaid, and to be secured to and holden by the wife in the same manner and with the same rights and effect as the property sold. The receipt or discharge of the husband for the rents and profits of such property, shall be a sufficient receipt and discharge thereof, unless previous notice, in writing, shall be given by the wife to the lessee, debtor or incorporated company, from whom such rents or profits are payable; in which case the sole and separate receipt or discharge of the wife shall alone be a sufficient receipt and discharge therefor.

SECTION 2. The chattels real, household furniture, plate, jewels, stock or shares in the capital stock of any incorporated company in this state, or debts secured by mortgage on property within this state, which are the property of any woman before marriage, or which may become the property of any woman after marriage, shall not be sold, leased or conveyed by the husband, unless by deed, in which the wife shall join as grantor; which deed shall be acknowledged in the manner by law provided in case of the real estate of married women; *provided, however*, that whenever the household furniture, plate or jewels belonging to any married woman shall be sold by her husband as his property, to one who shall purchase the same bona fide, and without notice, active or constructive, of the right of the wife thereto, such sale shall vest in such purchaser a good and valid title thereto.

SECTION 3. Any married woman, being upwards of eighteen years of age, may dispose of her personal estate secured to her by this act, or any portion of the same, by last will and testament, executed in the manner in which other wills are by law required to be executed.

SECTION 4. Nothing in this act contained shall be construed to impair the rights of the husband upon the death of the wife as tenant by the courtesy; or, in case of no last will and testament, as herein before provided, to deprive the husband of his right to administer upon the estate of his wife, with the same effect as by law provided; or to authorize any husband to give unto or settle upon his wife any of his property, in any other manner or with any other effect than if this act had not been passed.

SECTION 5. The property secured to any married woman by this act shall be liable to attachment or levy for her debts, contracted before marriage, under the same circumstances, and with the same effect, as if she had continued sole and unmarried; and nothing in this act contained shall be construed to impair any lien or right of lien thereon, or any remedy by law provided for the enforcement thereof.

SECTION 6. In all actions relating to the property of any married woman secured to her by this act, the husband and wife shall jointly sue and be sued, except in case a trustee of the same be appointed as hereinafter provided; and in case of revovery, by any husband and wife in any such action, the amount by them recovered may be invested in the name of the wife, in any of the kinds of property hereinbefore described, with the same rights and effect as if the same had re-

mained in the possession of the wife, whether the right of action accrued before or after marriage; and all such actions and rights of action shall survive the death of either husband or wife.

SECTION 7. The Supreme Court may, upon petition in equity to them by any married woman, filed by her through her next friend, appoint a trustee or trustees of her property, secured, to her by this act, who shall be empowered, in his or their own name or names, as trustee or trustees, to sue for, recover and hold such property, to the uses by law provided; said trust to continue during the coverture of such married woman, unless by order of said court sooner determined. And said court shall have full power to remove such trustee or trustees, and to appoint others in their stead, as in case of other trusts.

"Act in relation to wills of real and personal estate. Page 230.

SECTION 1. Every person being upwards of twenty-one years of age, and of sane mind, not being a *married woman*, and being lawfully seized of any lands, tenements or hereditaments, in his own right, in fee simple, fee tail, or for the life of any other person, or for any other term of time than his own life, shall have a right to give, devise and dispose of the same, by last will or testament, in writing, to and among his children, or others, as he shall think fit; and he may also devise any lands, tenements or heriditaments, acquired subsequently to the execution of this will, provided his intention to devise the same appears by the express terms of his will: provided that no person seized in fee simple shall have a right to devise any estate in fee tail for a longer time than to the children of the first devisee; and a devise for life to any person, and to the children or issue generally of such devisee, in fee simple shall not vest a fee tail estate in the first devisee, but an estate for life only; and the remainder shall, on his decease, vest in his children or issue generally, agreeably to the direction in such will.

SECTION 4. Every person being upwards of eighteen years of age, and of sane mind, shall have a right to give and dispose of all his goods, chattels and other *personal* estate, of every kind, by last will and testament, in writing, in the same manner as he is authorized by this act, if upwards of twenty-one years of age, to dispose of *real estate*: *provided, however*, that no *married woman* shall make any last will and testament, except of that or some portion of the personal estate secured to her by the act concerning the property of married women; and no will or testament of any goods or chattels or other personal estate shall be valid and effectual to convey the same, unless such will or testament shall be in writing, and signed and executed in the manner prescribed in this act for the execution of wills of real estate. * * * *

SECTION 5. The widow of any testator in whose will provision is make for said widow in lieu of her dower, shall, in case of her non-acceptance of that provision, signify the same, in writing, to the Court of Probate, within one year from the probate of the will.

SECTION 7. All such estate, real or personal as is not devised or bequeathed in the last will and testament of any person, hereafter to be proved, shall be distributed in the same manner as if it were an intestate estate.

SECTION 20. When any *unmarried woman* shall jointly with one or more persons be appointed executrix or administratrix, and after such appointment shall marry, during the life of the other executor or administrator; such marriage shall not make the husband an executor or administrator in her right, but shall operate as an extinguishment or determination of such woman's power and authority; and the other executor or executors, administrator or administrators, may proceed in discharging the trust reposed in them in the same way and manner as if such woman were dead.

SECTION 21. When any *unmarried woman*, executrix or administratrix shall marry, such marriage shall not make her husband an executor or administrator in her right, but shall operate as an extinguishment of such woman's power; and the Court of Probate shall thereupon grant administration upon the unadministered part of the estate, to such husband or to any other suitable person; who may prosecute or defend any suit which may have been commenced by or against the first executrix or administratrix, in the same manner and to the same purpose and effect as *she* might have prosecuted or defended the same if her trust had continued.

Act relating to dower and the assignment thereof. Page 188.

SECTION 1. The widow of any person dying intestate, or otherwise, shall be endowed of one full and equal third part of all the lands, tenements and hereditaments, whereof her husband, or any other to his use, was seized of an estate of inheritance, at any time during the intermarriage, to which she shall not have relinquished her right of dower by deed, except in the cases provided for in the thirteenth section of this act.

SECTION 2. Until such dower be assigned, and until she elect to receive her jointure in lieu of dower, according to the thirteenth section of this act, it shall be lawful for any widow to remain and continue in the mansion house, and the message thereto belonging, without being chargeable to pay the heir any rent for the same; *provided* she bring her writ of dower within twelve months after the probate of the will or the granting of letters of administration on her husband's estate.

SECTION 13. If any estate, real or personal, be conveyed by deed, or the same be devised or bequeathed for the jointure of the wife in lieu of her dower, to take effect in her own possession immediately on the death of her husband and to continue during her life, or in fee, determinable by such acts only as would forfeit her dower at the common law, such conveyance shall bar her dower of the residue of the lands, tenements and hereditaments which her said husband at any time possessed; but if the said conveyance was before marriage and during the infancy of the woman, or after marriage, in either case the widow may, at her election, waive such jointure and demand her dower; *provided* the same be done in writing within twelve months after the probate of the will, if there be one, and if not, then within twelve months after the granting of letters of administration on her deceased husband's estate.

SECTION 15. If any widow be lawfully expelled or evicted from her jointure, or any part thereof, without any fraud or covin, by lawful entry or action she shall be endowed of so much of the residue of her husbands's lands, tenements and hereditaments, whereof she was dowable, as the same lands, tenements or hereditaments wherefrom she was so evicted and expelled, shall amount and extend to.

SECTION 16. Widows may bequeathe the corps as well of their dower as of their other lands and tenements. * * * *

Act enabling married women to effect life insurance.—Vol. 2, page 715.

Any policy of insurance, made by any insurance company, on the life of any person expressed to be for the benefit of a married woman, whether the same be effected by herself or by her husband, or by any other person on her behalf, shall enure to her separate use and benefit and that of her children, if any, independently of her husband and of his creditors and representatives, and also independently of any other person effecting the same on her behalf, his creditors and representatives; a trustee or trustees may be appointed by any court authorized to appoint trustees, to hold and mannage the interest of any married woman in any such policy or the proceeds thereof: *provided, however*, that the provisions of this act shall not apply to any policy upon which the amount of annual premium shall exceed the sum of three hundred dollars.

Providence, R. I. P. W. D.

REPORT

FOR THE STATE OF NEW HAMPSHIRE.

BY ELLEN M. TARR.

The laws of the State of New Hampshire which especially bear upon women are, first, provisions of the common law, which have equal force in other States, and second, the accompanying statutes, taken from the compiled Statutes of New Hampshire, of 1853.

The common law has been so often quoted in the "Una," and is now so well known, that it would be a waste of time and patience to give it in full here. It may, in some of its particulars, however, be briefly summed up thus:

The husband and wife are considered as one person, and her legal existence lost or suspended during the union.

The husband becomes entitled, upon marriage, to all the goods and chattels of the wife, to the rents and profits of her land, becomes liable to pay her debts and perform her contracts.

"If an estate in land be given to the husband and wife, or a joint purchase be made, they are *not joint* tenants, nor tenants in common; for they are but *one* person in law."

The husband, upon marriage, becomes possessed of the chattels of the wife, and the law gives him power, without her, to sell, assign, mortgage, or otherwise dispose of the same as he pleases.

Among the duties which he assumes are these:

He is answerable for the wife's debts before marriage. He is bound to provide her with necessaries snitable to her situation, and to pay debts contracted for necessaries.

She has no legal power to contract.

Thus we see, that while, in law, the "husband and wife are considered as *one persen*," that one is *the husband*—the wife is legally a *nonentity*

☞ Conscience is the most elastic material in the world. To-day you cannot stretch it over a molehill—to-morrow it hides a mountain. Very accommodating indeed to a great many people!

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